

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. McKinley Jenkins

Docket No. 5:04-CR-104-1H

Petition for Action on Supervised Release

COMES NOW Erica W. Foy, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of McKinley Jenkins, who, upon an earlier plea of guilty to 21 U.S.C. § 841(a)(1), Distribution of More than Five Grams of Cocaine Base, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on March 9, 2005, to the custody of the Bureau of Prisons for a term of 48 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 48 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
2. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

McKinley Jenkins was released from custody on September 11, 2007, at which time the term of supervised release commenced.

On July 21, 2008, the court modified the defendant's conditions, as a result of a positive drug screen, to include:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days as arranged by the probation officer, and shall abide by all rules and regulations of the designated facility.
3. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days. The defendant shall begin the DROPS Program in the second use level.

McKinley Jenkins
Docket No. 5:04-CR-104-1H
Petition For Action
Page 2

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On September 26, 2010, the defendant was charged with Driving While Impaired in Wake County, North Carolina. The charge is pending in Wake County District Court. On February 20, 2011, the defendant was charged with Driving While Impaired and misdemeanor Possession of Marijuana. The charges are pending in Wake County District Court. The defendant admits to consuming alcohol and subsequently driving in both instances; however, he denies that the marijuana belonged to him. Jenkins admits that he has a problem with alcohol and has requested help in dealing with his alcohol problem. As a sanction for the criminal conduct, it is recommended that he serve 10 days jail time and serve 6 months of home confinement with electronic monitoring. Additionally, we will refer him for substance abuse/alcohol treatment to address his treatment needs. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 180 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer. The defendant shall pay for electronic monitoring services as directed by the probation officer.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 10 days and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

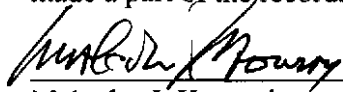
/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Erica W. Foy
Erica W. Foy
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: March 15, 2011

McKinley Jenkins
Docket No. 5:04-CR-104-1H
Petition For Action
Page 3

ORDER OF COURT

Considered and ordered this 22nd day of March, 2011, and ordered filed and made a part of the records in the above case.



Malcolm J. Howard
Senior U.S. District Judge